

Docket No. K-090C

Serial No. 09/525,446  
Amdt. dated February 5, 2004  
Reply to Office Action of August 5, 2003

**REMARKS/ARGUMENTS**

Claims 1-2 and 4-17 are pending in this application. By this amendment, claims 7, 9 and Figure 13A are amended and new claims 13-17 are added.

The drawings stand objected to due to an informality. The labeling of Figure 13A is inserted by a replacement sheet attached herewith. Hence, withdrawal of this objection is respectfully requested.

Claims 7-10 stand rejected under 35 U.S.C. §112, second paragraph. Claims 7 and 9 have been amended to provide antecedent basis, which does not further limit the scope of the claims. Withdrawal of this rejection is respectfully requested.

Claims 1-2 and 4-6 stand rejected under 35 U.S.C. §103(a) over Aslanis et al. (U.S. Patent No. 5,901,180) in view of Hosur et al. (U.S. Patent No. 6,356,605). Further, claims 7-12 stand rejected under 35 U.S.C. §103(a) over Aslanis et al. and Hosur et al. and in further view of Sawahasi et al. (U.S. Patent No. 5,940,433). Both rejections are respectfully traversed.

Aslanis et al. relates frame synchronization but fails to disclose or teach the specific features of frame and chip synchronization, as recited in independent claims 1, 7 and 11. Further the other two references Hosur et al. and Sawahasi et al. fail to disclose or teach the features found lacking therein.

Further, Hosur et al. fails disclose or teach the features indicated in the Office Action for the reasons set forth in U.S. Patent Application Serial No. 09/525,448 (Attorney Docket No. K-0090E). As discussed therein, Table 3 corresponds the Figure 9 of the present

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application, and Hosur et al. cannot teach the correlation, cross-correlation and/or autocorrelation features of the pilot sequence, as recited in independent claims 1, 4, 7 or 11 or pilot symbol pattern, as recited in independent claims 6, 9 and 12.

Sawahasi et al. relates to the spreading code and spreading code replica of a CDMA system. It is unclear how this disclosure regarding the spreading code and spreading code replica would teach the features of the pilot sequence or pilot symbol pattern as recited in the independent claims. The spreading code and spreading code replica are separate and distinct from the pilot sequence or pilot symbol pattern, and it is respectfully recited that there is no teaching to combine the features of the spreading code with the pilot sequence or pilot symbol pattern. Hence, it is respectfully submitted that the Patent Office is applying impermissible hindsight.

It is respectfully submitted that the combination of Aslanis et al. and Hosur et al. or the combination of Hosur et al. and Sawahasi et al. fails to disclose or teach the features and the combination thereof as, recited in the independent claims. Hence, withdrawal of both Section 103 rejections is respectfully requested.

New claim 13 has been added. New claim 13 further recites in detail the pilot bit pattern, which is used for each one of channel estimation, frame synchronization and frame synchronization confirmation (i.e., channel estimation, frame synchronization and/or frame synchronization confirmation). Such pilot bit patterns are not disclosed in any of the cited references and new claim 13 is believed to be allowable.

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New claims 14-17 relate to a method of operating a communication device, and none of the references discloses or teaches the first, second and third modes and the transitions thereof.

### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel Y.J. Kim, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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